

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

KRONES, INC.,

Plaintiff,

v.

Case No. 13-C-935

BOMATIC, INC.,

Defendant.

DECISION AND ORDER

During its routine review of this civil action to determine the adequacy of the jurisdictional allegations, a deficiency has caught the Court's attention regarding the parties' citizenship based on 28 U.S.C. § 1332. Allegations of citizenship made on information and belief are insufficient to invoke a federal court's jurisdiction. *See America's Best Inns, Inc. v. Best Inns of Abilene, L.P.*, 980 F.2d 1072, 1074 (7th Cir.1992) (only a statement about jurisdiction "made on personal knowledge has any value" and a statement made "'to the best of my knowledge and belief" is insufficient" to engage federal jurisdiction in diversity).

The citizenship of the Defendant Bomatic, Inc. ("Bomatic") is alleged upon information and belief. (Compl. ¶ 6.) (ECF No. 1.) Such allegations are insufficient. As the proponent of federal jurisdiction, Plaintiff Krones Inc. ("Krones") bears the burden of establishing that this Court has subject matter jurisdiction over its

declaratory judgment action. See *Smart v. Local 702 Int'l Bhd. of Elec. Workers*, 562 F.3d 798, 803 (7th Cir. 2009). Therefore, Krones must file an amended Complaint by the stated deadline correcting this jurisdictional deficiency, or this action will be dismissed without further notice.

**NOW, THEREFORE, BASED ON THE FOREGOING, IT IS HEREBY
ORDERED THAT:**

On or before October 11, 2013, Krones **MUST FILE** an amended complaint; and,

Failure to file an amended Complaint by the stated deadline **WILL RESULT IN AN ORDER DISMISSING THIS ACTION** for lack of jurisdiction without further notice.

Dated at Milwaukee, Wisconsin, this 11th day of September, 2013.

BY THE COURT:



HON. RUDOLPH T. RANDA
U.S. District Judge